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7 **BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

8 IN THE MATTER OF ENFORCEMENT)
9 ACTION AGAINST) PDC CASE NO.: 01-219
10 Amalgamated Transit Union Local 587 and)
11 Amalgamated Transit Union Local 587) STIPULATION OF FACTS,
12 No on I-745 Committee) VIOLATIONS AND PENALTY
Respondents.)
_____)

13 Amalgamated Transit Union Local 587 (Respondent) and Public Disclosure
14 Commission Compliance Staff (Staff) jointly submit this Stipulation of Facts, Violations
15 and Penalty for Commission consideration in lieu of a full enforcement hearing before the
16 Commission. The parties agree that pursuant to RCW 42.17.360 et. seq., the Commission
17 has the authority to accept, decline, or to suggest modifications to this Stipulation.
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19 **Facts**

20 Both parties agree that the Notice of Administrative Charges, dated July 11, 2001,
21 contains accurate statements of fact, with the following modifications:

- 22 (1) The separate bank account repeatedly referred to in the Notice
23 of Administrative Charges should be called "ATU Local 587
24 No on I-745 **Account.**" (Not Committee.)
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- 1 (2) The first full sentence under Facts on page 4 should read: “On
2 July 13, 2000, a letter was sent by facsimile from the ATU
3 Legislative Council for distribution to members of ATU Local
4 587.”
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- 6 (3) The third sentence in the second full paragraph on page 5
7 should read: “Over 300 union members signed a waiver form
8 provided by the Union and did not pay the special assessment.
9 The Union honored the waiver forms throughout the process,
10 including after the initial assessment was withheld. ”
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- 12 (4) The fourth sentence in the third full paragraph on page 5 should
13 read: “The \$110,000 in general fund monies transferred from
14 ATU Local 587 to the ATU Local 587 No on I-745 account
15 should have been reported as loans at the time the transfers
16 were made.”

17 The Notice of Administrative Charges, along with the Report of Investigation and
18 all exhibits, are incorporated herein by this reference. The Parties stipulate and understand
19 that the Commission has the authority to review, and has been provided with, the Notice of
20 Administrative Charges dated July 11, 2001, the Report of Investigation dated July 11,
21 2001, and all exhibits in determining whether to accept this Stipulation.
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23 Staff acknowledges that the Respondent has at all times cooperated in good faith
24 with the investigation and agreed resolution of this matter. Staff also acknowledges that the
25 investigation found no evidence of intentional violations.
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1 **Violations**

2 Respondent and Staff agree that based upon the facts stipulated above, the
3 Commission would likely find multiple unintentional violations of RCW 42.17.040 – RCW
4 42.17.090. Said violations are based upon ATU Local 587 soliciting and accepting
5 contributions from its members with the expectation of making expenditures opposing a
6 ballot measure without registering and reporting as a political committee.
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8 **Penalty**

9 Respondent and Staff agree that based upon the stipulation to facts and violations of
10 RCW 42.17 above, the Respondent is willing to accept an assessed total civil penalty of
11 \$10,000.00, \$7,500.00 of which is suspended on the following conditions:
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- 13 (1) That for a period of four years from the date of entry of the Commission's
14 Final Order in this matter, there are no further violations of any provision of
15 RCW 42.17, or WAC Chapter 390.
- 16 (2) Within six (6) months from the entry of the Commission's Final Order in
17 this matter, or before the next special assessment of its membership,
18 whichever occurs first, the Union, in collaboration with PDC Staff, will
19 develop a protocol for communicating with the Employer (King County)
20 regarding future special assessments. The protocol will be designed to
21 prevent future violations by informing the Employer when an assessment is
22 reasonably expected to be for a contribution to any political committee, a
23 contribution to a candidate for state or local office, or for a contribution or
24 expenditure in support of or in opposition to any candidate or ballot
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1 proposition. Upon completion of the protocol, the Union will send a copy of
2 the protocol to PDC Staff.

3 (3) Within six (6) months from the entry of the Commission's Final Order in
4 this matter, or before the next special assessment of its membership,
5 whichever occurs first, the Union will design and conduct training for all
6 Union officers and staff engaged in implementing special assessments on the
7 provisions of RCW 42.17, particularly RCW 42.17.040 – RCW 42.17.090.
8 The Union will collaborate with PDC Staff regarding the substance of the
9 training and, following the training, certify to Staff the date(s) of the training
10 and the titles of those in attendance. The training materials will be
11 communicated to all other ATU locals in Washington. The materials will
12 also be shared with each Central Labor Council in Washington, for
13 distribution to other interested organizations.
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16 (4) Within three (3) months from the entry of the Commission's Final Order in
17 this matter, the Union will send a letter to each person who had funds in any
18 amount withheld in the special assessment, and who has not requested and
19 received a rebate. The letter will be sent to the last known address for each
20 person, will explain this Stipulation, and will provide an opportunity and a
21 mechanism for obtaining a rebate. This rebate could be a full reimbursement
22 of funds withheld, or could be a reduction in future Union withholding at the
23 same rate initially withheld. The waiver / rebate form must include the non-
24 discrimination language found in WAC 390-17-100(2)(g). Each letter
25 recipient will have a minimum of three (3) weeks from the initial date of
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1 mailing to return the form requesting a rebate. The Union will notify
2 Commission Staff when the process is complete, and provide Staff with the
3 number and amount of rebates.

4 The entire non-suspended portion of the penalty will be paid within 60 days from
5 the date of entry of the Commission's Final Order in this matter. The Respondent reaffirms
6 its intention to cooperate with the Commission and to comply in good faith with the
7 provisions of RCW 42.17. To further that end, the Respondent agrees that within 30 days
8 of the entry of the Commission's Final Order, it will file the following reports:
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10 (a) A C-1pc, Political Committee Registration Statement;

11 (b) A C-3, Cash Receipts Monetary Contribution Report, detailing all
12 contributions received to date; and

13 (c) A C-4, Full Report Receipts and Expenditures and all required
14 schedules.
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17 Respectfully submitted this 24th day of July, 2001.
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20 _____
Vicki Rippie, Executive Director

DATE SIGNED

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22 _____
Clifford Freed, WSBA #14348
Frank Rosen Freed Roberts LLP
23 Attorney for Respondents

DATE SIGNED